IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application: Duane Firman   Confirmation No.: 6490
Application No.: 10/624,160   Group Art Unit: 2179
Filed: July 21, 2003   Examiner: Tuyetlien T. Tran
For: METHODS, SYSTEMS AND COMPUTER PROGRAM PRODUCTS FOR
CORRECTING ERRORS IN SERVICE ORDERS

Date: July 15, 2008

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REASONS IN SUPPORT OF APPLICANTS'
PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

This document is submitted in support of the Pre-Appeal Brief Request for Review filed concurrently with a Notice of Appeal in compliance with 37 C.F.R. 41.31 and with the rules set out in the OG of July 12, 2005 for the New Appeal Brief Conference Pilot Program.

REMARKS

Applicants hereby request a Pre-Appeal Brief Review (hereinafter "Request") of Claims 1, 2 and 4-18 that were finally rejected in the Official Action mailed April 16, 2008 (the "Action"). Claims 1, 2 and 4-18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,493,694 to Xu (Xu) in view of U.S. Patent Publication No. 2002/0168054 to Klos (Klos).

Applicants submit that one or more elements needed for a *prima facie* rejection under 35 U.S.C. §103(a) are not present. Therefore, Applicants respectfully request review of the present application by an appeal conference prior to the filing of an Appeal Brief.

In the interest of brevity, and without waiving the right to argue additional grounds should this Request be denied, Applicants will point out the Action's omissions of one or more essential elements needed for a prima facie rejection.

Claim 1 recites a method of correcting an error in a service order. The service order includes an electronic document having a plurality of fields, and the plurality of fields have data associated therewith. The method includes:

> providing a service order control panel, the service order control panel comprising a plurality of function controls, each <u>function control having an associated predetermined function that manipulates data in at least one of the plurality of fields in the service order;</u>
> detecting an error in the service order, wherein said detecting is performed by a service provider <u>using computer software code to identify a data irregularity;</u>
> <u>accepting user input from a user to select a function control, wherein the user input is provided by a service provider;</u> and
> <u>automatically performing the predetermined function associated with the selected function control to manipulate data</u> to correct the error in at least one of the plurality of fields in the service order.

Xu proposes an <u>automatic rule-based technique</u> for correcting errors in text service orders. *See* col. 1, lines 35-38; col. 3, lines 40-44. Applicants submit that Xu fails to disclose function controls having an associated predetermined function that manipulates data in at least one of the plurality of fields in the service order and accepting user input to select a function control.

In particular, Xu proposes an on-line system to automatically correct service order errors using a rule language. *See* Xu, col. 4, lines 9-28. The rules do not appear to relate to "<u>accepting user input from a user to select a function control</u>" or "<u>automatically performing the predetermined function associated with the selected function control to manipulate data</u> to correct the error" as recited in Claim 1. In contrast to the above emphasized recitations of Claim 1, the rules of Xu are apparently automatically executed <u>based on the rules</u> and without accepting user input to select a function. *See* Xu, col. 4, lines 9-28; col. 31, lines 60-63 ("converting the linked data structure into a corrected service order when the linked data structure has been modified <u>based on the plurality of rules</u>").

Although Xu discusses an interactive mode in which users execute commands, Applicants submit that these commands proposed by Xu do not include <u>a predetermined</u>

<u>function that manipulates data in at least one of the plurality of fields in the service order</u> as recited in Claim 1. *See* col. 8, lines 1-34. In fact, the interactive mode commands in Xu do not appear to manipulate data in a field of the service order. For example, Xu discusses interactive mode commands that include retrieving a service order, creating a service order, and checking for pending orders. *See* col. 8, lines 15-34. Accordingly, Applicants submit that none of the commands issued in the interactive mode of Xu (which the Action identifies as function commands) are associated with a <u>predetermined function that manipulates data in at least one of the plurality of fields in the service order</u> as recited in Claim 1.

In summary, Xu proposes either 1) automatic rules that are automatically executed, and as such, does not disclose or render obvious "<u>accepting user input from a user to select a function control</u>" or "<u>automatically performing the predetermined function associated with the selected function control to manipulate data</u> to correct the error" as recited in Claim 1; or 2) an interactive mode that does not appear to manipulate data in a field of the service order (*i.e.*, in which the commands do not include a "<u>predetermined function that manipulates data in at least one of the plurality of fields in the service order</u>" as recited in Claim 1). Thus, Xu does not disclose or render obvious numerous recitations of Claim 1.

In addition, the Action concedes that Xu does not teach a service order panel including a plurality of function controls and user selection of a function control. The Action relies on Klos as allegedly disclosing these features at paragraphs [0053], [0065], [0089] and [0090]. *See* the Action, pages 3-4.

Applicants respectfully disagree with the Action's characterization of Klos, and submit that <u>Klos also does not disclose a service order panel including a plurality of function controls and user selection of the functional controls</u>. Although the Action states that "one cannot show nonobviousness by attacking the references individually where the rejections are based on combinations of references," Applicants submit that <u>the above recitation is not disclosed in any of the cited references</u>. As noted in the M.P.E.P. § 2141, "[T]he key to supporting any rejection under 35 U.S.C. 103 is the <u>clear articulation of the reason(s) why the claimed invention would have been obvious</u>." Applicants submit that there is no apparent reason why the claimed service order panel would be obvious because this recitation is not

disclosed by Xu or Klos. In particular, the Action concedes that the above recitation is not disclosed by Xu, and Xu also does not disclose a <u>function control having an associated predetermined function that manipulates data in at least one of the plurality of fields in the service order</u> for the reasons discussed above. Applicants submit that the noted deficiencies of Xu are not cured by Klos for at least the following reasons.

According to the cited portions of Klos, the GUI 120 proposed by Klos includes <u>an order initiation screen</u> that enables the network provider to <u>update network elements, disconnect services, change services, resubmit service orders having provisioning errors and resubmit service orders awaiting manual coordination or assistance</u>. <u>Applicants submit that the order initiation screen does not appear to include functional controls that are associated with</u> **a predetermined function that manipulates data** in at least one of the plurality of fields in the service order. The GUI 120 also includes <u>a **manual** intervention schedule</u>, which Klos proposes can be <u>used to resolve order and provisioning errors</u>. Klos discusses that the manual intervention schedule displays any variable data associated with the error, identifies corrective action and formats the corrective action to be entered into the provisioning flow. *See* Klos, paragraphs [0090].

Therefore, <u>Klos apparently requires manual intervention by an operator to resolve errors</u>. As such, Klos merely proposes a standard GUI 120 and does not disclose or render obvious a service order control panel having a plurality of function controls having <u>an associated predetermined function that manipulates data in at least one of the plurality of fields in the service order</u> as recited in Claim 1.

Accordingly, Xu and Klos do not disclose or render obvious all of the recitations of Claim 1. Independent Claims 13 and 15 include recitations similar to those discussed above with respect to Claim 1. Applicants request that the rejections of independent Claims 1, 13 and 15 and Claims 2, 4-12, 14 and 16-18 depending therefrom be reversed.

CONCLUSION

For the reasons discussed above, Applicants submit that one or more elements needed for a *prima facie* rejection under 35 U.S.C. § 103(a) are not present. Therefore, Applicants

respectfully request that the present application be reviewed and reversed by the appeal conference prior to the filing of an appeal brief.
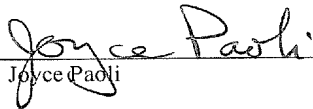
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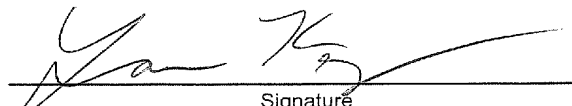
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CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on July 15, 2008.

Signature: _____
Joyce Paoli

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

PRE-APPEAL BRIEF REQUEST FOR REVIEW	Docket Number (Optional) **9400-32**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on **July 15, 2008** Signature _____ Typed or printed name **Joyce Paoli**	Application Number **10/624,160**	Filed **7/21/2003**
	First Named Inventor **Duane Firman**	
	Art Unit **2179**	Examiner **Tuyetlien T. Tran**

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record. Registration number **48,441**

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

Signature

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Telephone number

July 15, 2008
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.